Draft to Clerk: Approved: Clerk:

MINUTES OF THE REGULAR MEETING BOARD OF ZONING APPEALS January 12, 2006 7:30 P.M. CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess G. Hilts G. Swix B. McGrain J. Siebold

E. Horne M. Mayberry F. Lain A. Frederick

Staff: S. Stachowiak

A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

A. Frederick moved, seconded by B. McGrain to approve the agenda as printed. On a voice vote, the motion carried 9-0.

III. <u>HEARINGS/ACTION</u>

A. BZA-3861.05, 233 Woodlawn Avenue

This is a request by Mohamad Abduljaber for a variance to permit a duplex at 233 Woodlawn Avenue that would have two 1-bedroom units. Section 1250.06(b) of the Zoning Ordinance requires a minimum lot size of 6,400 square feet for a duplex with this number of bedrooms. The property at 233 Woodlawn Avenue contains 3,630 square feet. A variance of 2,770 square feet to the lot size requirement is therefore, being requested. Staff recommended denial of the request on a finding that the variance would be inconsistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Mr. Burgess asked if anyone wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that this is the third rental unit that the Planning Board has addressed recently with the same circumstances (loss of nonconforming status). Mr. Frederick stated that the intent of the nonconformity section of the Zoning Ordinance is to eliminate nonconformities over time. He also said that this is an improving neighborhood and the most appropriate use for the subject property is single family which is permitted by right under the

current ordinance designation.

Ms. Horne stated that the request is contrary to the master plan which designates the subject property for lower density than what is being requested by the applicant. She expressed her opposition to the variance.

F. Lain moved to deny BZA-3861.05, a variance of 2,770 square feet to the lot size requirement for a duplex with 2 one-bedroom units at 233 Woodlawn Avenue, on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by A. Frederick.

VOTE	YEA	NAY
Swix	Х	
Horne	х	
Mayberry	х	
McGrain	х	
Hilts	х	
Frederick	X	
Siebold	х	
Lain	Х	
Burgess	Х	

Motion carried, 9-0, BZA-3861.05, was denied.

B. <u>BZA-3864.05</u>, <u>Lots 65-161</u>, <u>College Fields</u>

This is a request by Jones Property Development for a variance to Sections 1248.07 and 1264.07 of the Zoning Ordinance which require a minimum front yard setback of 20 feet in the "A" Residential and "E-1" Apartment Shop districts. The applicant is proposing to construct residential units on lots 65-161 of the College Fields Development, located at the southeast corner of Hagadorn & Bennett Roads that would have front yard setbacks of 10 feet. Variances of 10 feet to the front yard setback requirement are therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Jim Rundquist, 3800 Hagadorn Road, spoke in favor of the request. Mr. Rundquist said that he represents Jones Property Development (JPD) which is the third developer to take on this project. He said that JPD took possession of the property in May of 2005 at which time the golf course and some of the roads were already constructed. The original developer envisioned a parking ramp, multi-unit/multi-story buildings and a commercial component to the development. He said the current developer is proposing an all residential neighborhood. Mr. Rundquist explained that he is trying to create a "neo-traditional" neighborhood that is focused towards neighbors interacting with each other.

Lawrence Max, 2953 Bennett Road, stated that he applauds the efforts of Mr. Rundquist to get this project off the ground. He said that anything that can be done to get this project moving forward is positive. He also said that this project has been going on for several years and this is the first time that he has been given any information about the project or its progress. Mr. Max stated that he does not know how his property is zoned or what it can be used for. He would like to receive more information.

Mr. Burgess asked if anyone wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Siebold asked Mr. Rundquist to explain how this project benefits the City of Lansing. Ms. Horne asked whether the city workers will have to travel to this site to plow the streets.

Mr. Rundquist said that they would as all of the streets will be public. Mr. Rundquist also stated that tabling the request, as suggested by Mr. Siebold, would have a major impact on the project as he has contractors ready to pull building permits as soon as the variance is approved.

Mr. Frederick stated that the applicant is limited by the surroundings (floodplain, easement, roads, golf course) which presents a practical difficulty. He also said that moving the house closer to the street with the majority of the green space behind the house is a good development patterns.

Mr. Swix asked Ms. Stachowiak to explain the intent of front yard setbacks.

Ms. Stachowiak stated that it is to create a uniform development pattern along roadways.

The board members discussed how the proposed 10 foot setbacks would impact parking.

Ms. Stachowiak stated that the homes will have attached garages and there will be on-street parking during the day.

Mr. Rundquist stated that the "Village Area" where the reduced setbacks are being requested, is being marketed to retirees and young couples with small families. He said that there should not be a need for much additional parking.

A. Frederick moved to approve BZA-3864.05, a variance of 10 feet to the front yard setback requirement to permit the construction of new homes on lots 65-161, College Fields, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Swix.

VOTE	YEA	NAY
Swix	х	
Horne		х
Mayberry	х	
McGrain	Х	

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VOTE	YEA	NAY
Hilts	х	
Frederick	х	
Siebold		х
Lain		х
Burgess	Х	

Motion carried, 6-3, BZA-3864.05, was approved.

C. BZA-3865.05, 5436 S. Cedar Street

This is a request by Apex Sign's for a variance to install a new 104 square foot, 23 foot, 4 inch high pole sign at 5436 S. Cedar Street that would have a setback of 6.05 feet from the front property line along S. Cedar Street. Section 1442.12 (h)(5) of the Sign Code requires a minimum front yard setback of 24 feet for a sign with these dimensions. A variance of 17.95 feet to the front yard setback requirement for a pole sign is therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Gary Gebhardt, Apex Sign's, 6200 N. Dort Hwy., Flint, MI, spoke in support of his request. Mr. Gebhardt stated that the new sign will be in approximately the same location as the existing sign. He said that if it were to be located further back on the lot, it would be obscured by the double-decker billboard to the north.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick asked about the number of signs on the property. He said that there appears to be quite a few illegal signs on the property.

Ms. Stachowiak stated that only one sign is allowed. She said that the existing sign(s) will have to be removed.

Mr. Frederick stated that the staff report explains the practical difficulty creating by the irregular right-of-way line in the area of S. Cedar Street. He said that the existing sign appears to be setback further than most of the other signs in the area and if the new one is in the same general location, it will be acceptable.

G. Swix moved to approve BZA-3865.05, a variance of 17.95 feet to the setback requirement for a new, 104 square foot, 23 foot, 4 inch high pole sign at 5436 S. Cedar Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Mr. Lain requested a friendly amendment to the motion to include removal of all other pole signs and illegal signs on the site.

Mr. Frederick accepted the friendly amendment.

Seconded by F. Lain.

VOTE	YEA	NAY
Frederick	х	
Siebold	х	
Lain	х	
Swix	х	
Horne	х	
Mayberry	х	
McGrain	х	
Hilts	х	
Burgess	Х	

Motion carried, 9-0, BZA-3865.05, was approved.

D. BZA-3866.05, 4701 Pleasant Grove Road

This is a request by the Guru Nanak Sikh Center. The applicant is constructing a new porch and walkway canopy on the front of the building at 4701 Pleasant Grove Road that will have a front yard setback of 11.16 feet. Section 1248.07 of the Zoning Ordinance requires a minimum front yard setback of 20 feet for the subject property. A variance of 8.84 feet to the front yard setback requirement is therefore, being requested Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

The applicant's representatives chose not to speak.

Mr. Burgess asked if anyone wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Lain expressed his support for the variance request. He said that the proposed addition is necessary for the church and does not obstruct views.

Mr. Swix asked why handicap ramps are exempt from zoning requirement but canopies over the ramps are not.

Ms. Stachowiak stated that it is strange but that is how the law is written.

Mr. Frederick said that the practical difficulty is evident. He said that the only issue that can be addressed is public safety and that is the whole reason for the canopy.

F. Lain moved to approve BZA-3866.05, a variance of 8.84 feet to the setback requirement to permit the construction of a covered walkway and porch on the building at 4701 Pleasant Grove, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Swix.

VOTE	YEA	NAY
Frederick	x	
Siebold	x	
Lain	x	
Swix	x	
Horne	x	
Mayberry	x	
McGrain	x	
Hilts	x	
Burgess	х	

Motion carried, 9-0, BZA-3866.05, was approved.

E. <u>BZA-3867.05, 5031 S. Cedar Street</u>

This is a request by Dearborn Signs & Awning. The applicant is proposing to install a new 100 square foot, 20 foot high pole sign at 5031 S. Cedar Street that would have a setback of 4 feet from the front property line along S. Cedar Street and a setback of 3 feet from the front property line along E. Jolly Road. Section 1442.12 (h)(5) of the Sign Code requires a minimum front yard setback of 23 feet for a sign with these dimensions. Variances of 19 feet to the front yard setback requirement along S. Cedar Street and a variance of 20 feet to the front yard setback requirement along E. Jolly Road are therefore, being requested. Staff recommended denial of the request on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Renault Kassab, 5031 S. Cedar Street, spoke in support of the request.

Cindy Whiddon, 1710 Foxcroft, spoke in support of the request. Ms. Whiddon stated that the sign cannot be moved further in on the property along S. Cedar Street as it would

interfere with on-site circulation and would be obscured by other signs in the area. She said that it could be moved further in on Jolly Road. Ms. Whiddon supplied the Board with photographs of other signs in the area that are located equally as close to S. Cedar Street as the proposed sign.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board

moved into the Committee of the Whole.

Mr. Frederick asked about the pharmacy sign to the west.

Ms. Stachowiak stated that it complies with the setback requirements. She said that there is virtually no excess right-of-way on the west side of S. Cedar. She said that the excess right-of-way is all on the east side of S. Cedar Street.

Mr. Swix stated that there are signs all over the city that are located very close to the road.

Ms. Stachowiak stated that they are grandfathered in under old ordinances.

Mr. Frederick stated that nonconforming signs can be refaced, but not replaced. He asked the applicant if there is a permit for the temporary sign that has been in the road right-of-way.

Mr. Kassab stated that a city inspector came out and told him that the sign was acceptable and he did not need a permit as long as the sign was on his property.

After a lengthy discussion about potential locations for the sign, the board decided to table the case, pending a revised plan that depicts relocating the sign further to the north.

E. Horne moved to table BZA-3867.05 until the February 9, 2006 meeting. Seconded by A. Frederick

VOTE	YEA	NAY
Frederick	Х	
Siebold	Х	
Lain	Х	
Swix	Х	
Horne	Х	
Mayberry	Х	
McGrain	Х	
Hilts	Х	
Burgess	Х	

Motion carried, 9-0, BZA-3867.05, was tabled.

F. BZA-3868.05, 7000 Block, S. Cedar Street

This is a request by Gary Root. The applicant is proposing to construct an ice cream parlor on the vacant property located directly north of 7045 S. Cedar Street. The proposal includes an 8-foot landscape buffer along the east property line that would be reduced down to 2 feet in some locations. The proposal also includes installation of a 13.5 foot high, 52 square foot

pole sign that would have a setback of 7 feet from the front property line along S. Cedar Street. Section 1290.08 of the Zoning Ordinance requires an 8-foot landscape buffer along the entire east property line and Section 1442.12 (h)(5) of the Sign Code requires a minimum front yard setback of 16 feet for a pole sign with these dimensions. Variances of 6 feet to the landscape buffer requirement and a variance of 9 feet to the front yard setback requirement for a pole sign are therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Gary Root, 2400 Swan Drive, spoke in support of his request.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Lain stated that the practical difficulty in this case is explained in the staff report and depicted on the site plan.

Mr. Frederick stated that he would prefer to see a variance to the parking requirement rather than the landscape requirement. He said that it would be hard to justify less green space in exchange for more parking.

Mr. Root stated that he is trying to copy the site that he already has in another community. He said that he needs all of the parking that is shown on the plan.

Ms. Stachowiak stated that there is no way of reducing the pavement behind the building because, from an engineering standpoint, the radius as shown on the plan is the minimum necessary to allow adequate circulation around the site.

F. Lain moved to approve BZA-3868.05, a variance of 6 feet to the landscape buffer requirement along the east property line and a variance of 9 feet to the setback requirement for a new pole sign on the vacant property in the 7000 Block of S. Cedar Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Swix.

VOTE	YEA	NAY
Frederick		х
Siebold	Х	
Lain	Х	
Swix	Х	
Horne		х
Mayberry	Х	
McGrain	Х	
Hilts	Х	

VOTE	YEA	NAY
Burgess	Х	

Motion carried, 7-2, BZA-3868.05, was approved.

VI. OLD BUSINESS

- A. Rules of Procedure No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue No action

VII. PUBLIC COMMENT

Bill Rieske, Interim Manager, Lansing Planning Office, introduced himself to the board.

VIII. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held December 8, 2005

- B. McGrain moved, seconded by G. Hilts to approve the minutes of December 8, 2005, with the following corrections:
- 1. Page 6: Motion should stated "...25 spaces", not "...25 feet".
- 2. Page 3: BZA 3857.05, Mr. Burgess voted yes, not no as indicated in the minutes.

On a voice vote, the motion carried unanimously, 9-0.

IX. NEW BUSINESS

A. Election of Officers

- 1. Chairman
 - A. Frederick moved, seconded by F. Lain to retail Mr. Burgess as chairman.

On a voice vote, the motion carried unanimously, 9-0.

2. Vice-Chairman

F. Lain moved, seconded by A. Frederick to appoint Mr. Mayberry as Vice - Chairman.

On a voice vote, the motion carried unanimously, 9-0.

Χ.	ADJOURNMENT AT 9:30	n m
Λ.	ADJUURINIENI AI 3.30	D.III.

Respectfully submitted,

Susan Stachowiak, Zoning Administrator